

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Prince Creek Mining
Alvin H. Agoff

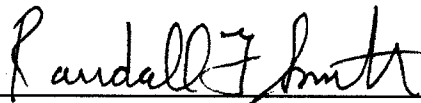
Bonanza Creek

is authorized to discharge from a hydraulic mining operation (the "facility") near Flat, Alaska, to the receiving waters listed above, in accordance with the effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective May 27 , 1999 .

This permit and the authorization to discharge shall expire on midnight May 27 , 2004 .

Signed this 27th of May, 1999 .



Randall F. Smith
Director
Office of Water, Region 10
U.S. Environmental Protection Agency

TABLE OF CONTENTS

I.	EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS	3
A.	Effluent Limitations	3
B.	Monitoring Requirements	3
II.	MANAGEMENT PRACTICES	5
III.	MONITORING AND REPORTING REQUIREMENTS	6
A.	Representative Sampling	6
B.	Reporting of Monitoring Results	6
C.	Monitoring Procedures	6
D.	Additional Monitoring by the Permittee	6
E.	Records Contents	7
F.	Retention of Records	7
G.	Notice of Noncompliance Reporting	7
H.	Other Noncompliance Reporting	8
IV.	COMPLIANCE RESPONSIBILITIES	8
A.	Duty to Comply	8
B.	Penalties for Violations of Permit Conditions	8
C.	Need to Halt or Reduce Activity not a Defense	9
D.	Duty to Mitigate	9
E.	Proper Operation and Maintenance	9
F.	Removed Substances	10
G.	Bypass of Treatment Facilities	10
H.	Upset Conditions	11
I.	Toxic Pollutants	11
V.	GENERAL REQUIREMENTS	11
A.	Changes in Discharge of Toxic Substances	11
B.	Planned Changes	12
C.	Anticipated Noncompliance	13
D.	Permit Actions	13
E.	Duty to Reapply	13
F.	Duty to Provide Information	13
G.	Other Information	13
H.	Signatory Requirements	13
I.	Availability of Reports	14
J.	Oil and Hazardous Substance Liability	14
K.	Property Rights	14
L.	Severability	15
M.	State Laws	15
N.	Inspection and Entry	15
O.	Transfers	15
VI.	REOPENER CLAUSE	16
VII.	DEFINITIONS	16
	ATTACHMENT 1	18
	ATTACHMENT 2	19
	ATTACHMENT 3	20

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations

1. Beginning with the effective date of this permit, the permittee shall not discharge wastewater to receiving waters except:
 - (a) overflow from facilities designed, constructed and maintained to contain the maximum volume of untreated process wastewater which would be discharged, stored, contained and used or recycled by the beneficiation process into the treatment system during a 4-hour operating period without an increase in volume from precipitation or infiltration, plus
 - (b) the maximum volume of water runoff (drainage waters) resulting from a 5-year, 6-hour precipitation event.

In computing the maximum volume of wastewater which would result from a 5-year, 6-hour precipitation event, the facility must include the volume which would result from all areas contributing runoff to the individual treatment facility (i.e., all runoff that is not diverted from the area or process subject to zero discharge and other runoff that is allowed to commingle with the influent to the treatment system).

2. The facility shall take all reasonable steps to minimize the overflow or excess discharge.
3. The source shall be in compliance with the Management Practices in Permit Parts II.A. through G.
4. The operator shall comply with the notification requirements of Permit Parts III.G. and III.H.

B. Monitoring Requirements

1. Discharges resulting from a rainfall event when the facility is designed as described above shall be monitored as listed below:

Effluent Characteristic	Monitoring Location	Monitoring Frequency	Sample Type
Settleable Solids, ml/L	effluent	once per day each day of discharge	Grab
Turbidity, NTU	effluent	*	Grab
	upstream	*	Grab
Arsenic, µg/L	effluent	**	Grab
Flow, gpm	effluent	***	Instantaneous
* See Part I.B.3. for details. ** See Part I.B.4. for details. *** See Part II. B.6. for details.			

2. Inspection Program

The Permittee shall institute a comprehensive inspection program to facilitate proper operation and maintenance of the recycle system and the wastewater treatment system. The Permittee shall conduct a visual inspection of the site once per day, while on site, during the mining season. *The Permittee shall maintain records of all information resulting from any inspections in accordance with part III.F. of this permit.* These records shall include an evaluation of the condition of all water control devices such as diversion structures and berms and all solids retention structures including, but not limited to, berms, dikes, pond structures, and dams. The records shall also include an assessment of the presence of sediment buildup within the settling ponds. The Permittee shall examine all ponds for the occurrence of short circuiting.

3. Turbidity Monitoring

The Permittee shall monitor visually for turbidity at the point of discharge once for each day during which a discharge occurs. The Permittee shall maintain records of all information resulting from this observation in accordance with part III.F. of this permit.

The Permittee shall take at least one turbidity sample set (i.e. the discharge and upstream samples referenced in Part I.B.1.) per discharge event. All samples must be taken and stored in the manner set forth in Attachment 1.

Discharge and upstream samples shall be taken within a reasonable time frame of each other. The sample results shall be reported in the Annual Report (AR). Monitoring shall be conducted in accordance with accepted analytical procedures. See attachment 1 for sampling protocol.

4. Arsenic Monitoring

Arsenic samples shall be representative of the discharge and shall be taken at a *point prior to entering the receiving stream*. Monitoring shall be conducted in accordance with accepted analytical procedures. All samples must be taken and stored in the manner set forth in Attachment 2. The Permittee shall report the sample results in the AR. (See attachment 2 for sampling protocol.)

The Permittee shall take at least one arsenic sample per discharge event.

5. Settleable Solids Monitoring

Settleable solids samples shall be representative of the discharge and shall be taken daily at a point *prior to entering the receiving stream*. Monitoring shall be conducted in accordance with accepted analytical procedures

(Standard Methods, 17th Edition, 1989). The Permittee shall report the daily sample results in the AR. See attachment 3 for sampling and analysis protocol.

6. Flow Monitoring

Effluent flow shall be measured at the discharge *prior to entering the receiving water*. Effluent flow shall be measured at least once per day each day discharge occurs. The operator must also make a good faith effort to estimate seepage discharging to waters of the United States each day that seepage occurs. Effluent flow and seepage flow shall be reported in gallons per minute (gpm). The flow measurements and seepage estimates, the number of discharge events, and the duration of each discharge event shall be reported in the AR for each day of the mining season.

I. MANAGEMENT PRACTICES

- A. The flow of surface waters (i.e., creek, river, or stream) into the plant site shall be interrupted and these waters diverted around and away to prevent incursion into the plant site.
- B. Berms, including any pond walls, dikes, low dams, and similar water retention structures shall be constructed in a manner such that they are reasonably expected to reject the passage of water.
- C. Measures shall be taken to assure that pollutant materials removed from the process water and wastewater streams will be retained in storage areas and not discharged or released to the waters of the United States.
- D. The amount of new water allowed to enter the plant site for use in material processing shall be limited to the minimum amount required as makeup water.
- E. All water control devices such as diversion structures and berms and all solids retention structures such as berms, dikes, pond structures, and dams shall be reasonably maintained to continue their effectiveness and to protect from failure.
- F. The operator shall take whatever reasonable steps are appropriate to assure that, after the mining season, all unreclaimed mine areas, including ponds, are in a condition which will not cause degradation to the receiving waters over those resulting from natural causes.

G. Other Requirements

The operator shall maintain fuel handling and storage facilities in a manner which will prevent the discharge of fuel oil into the receiving waters or on the adjoining shoreline. A Spill Prevention Control and Countermeasure Plan (SPCC Plan) shall be prepared and updated as necessary in accordance with provisions of 40 CFR Part 112 for facilities storing 660 gallons in a single container above ground, 1320 gallons in the aggregate above ground, or 42,000 gallons below ground.

The Permittee shall indicate in the AR if an SPCC Plan is necessary and in place at the site and if changes were made to the Plan over the previous year.

II. MONITORING AND REPORTING REQUIREMENTS

- A. Representative Sampling.** All samples for monitoring purposes shall be representative of the monitored activity, 40 CFR 122.41 (j). To determine compliance with permit effluent limitations, "grab" samples shall be taken as established under Permit Part IB. Specifically, effluent samples for Settleable solids, turbidity, and arsenic shall be collected from the settling pond outlet or other treatment systems' outlet prior to discharge to the receiving stream. Additionally, turbidity background samples shall be taken at a point that is representative of the receiving stream just above the permittee's mining operation.
- B. Reporting of Monitoring Results.** Monitoring results shall be summarized each month and reported in an AR (Annual Report). The AR shall be submitted to the Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Enforcement Section OW-133, Seattle, Washington 98101-3188, no later than November 30 each year.

If there is no mining activity during the year or no wastewater discharge to a receiving stream, the Permittee shall notify EPA of include these facts in the AR.

The AR shall also be sent to the ADC office at 610 University Avenue, Fairbanks, Alaska 99709.

- C. Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- D. Additional Monitoring by the Permittee.** If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this

monitoring shall be included in the calculation and reporting of the data submitted in the AR. Such increased frequency shall also be indicated.

E. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

F. Retention of Records. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director or ADC at any time. Data collected on-site, copies of ARs, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.

G. Notice of Noncompliance Reporting.

1. Any noncompliance which may endanger health or the environment shall be reported as soon as the Permittee becomes aware of the circumstance. A written submission shall also be provided in the shortest reasonable period of time after the Permittee becomes aware of the occurrence.
2. The following occurrences of noncompliance shall also be reported in writing in the shortest reasonable period of time after the Permittee becomes aware of the circumstances:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Permit Part IV.G., Bypass of Treatment Facilities.); or
 - b. Any upset which exceeds any effluent limitation in the permit (See Permit Part IV.H., Upset Conditions.).
 - c. Any violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the Permit.
3. The written submission shall contain:
 - a. A description of the noncompliance and its cause;

- b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- 4. The Director may waive the written report on a case-by-case basis if an oral report has been received within 24 hours by the NPDES Compliance Unit in Seattle, Washington, by phone, (206) 553-1846.
 - 5. Reports shall be submitted to the addresses in Permit Part III.B., Reporting of Monitoring Results.

H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported in Permit Part III.G. above shall be reported at the time that monitoring reports for Permit Part III.B. are submitted. The reports shall contain the information listed in Permit Part III.G.3.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply. The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Director and ADC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions.

- 1. **Civil and Administrative Penalties.** Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).
- 2. **Criminal Penalties:**
 - a. **Negligent Violations.** The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not

less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

- b. **Knowing Violations.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
- c. **Knowing Endangerment.** The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
- d. **False Statements.** The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in permit conditions in Permit Part V.G., Bypass of Treatment Facilities and Permit Part IV.H., Upset Conditions, nothing in this permit shall be construed to relieve the Permittee of the civil or criminal penalties for noncompliance.

- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate.** The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance.** The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and

maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances. Solids, sludges, or other pollutants removed in the course of treatment or control of wastewater's shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States.

G. Bypass of Treatment Facilities.

1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
2. Notice:
 - a. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The Permittee shall submit notice of an unanticipated bypass as required under Permit Part III.G., Notice of Noncompliance Reporting.
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Director or ADC may take enforcement action against a Permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The Permittee submitted notices as required under paragraph 2 of this section.

- b. The Director and ADC may approve an anticipated bypass, after considering its adverse effects, if the Director and ADC determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. An administrative review of a claim that noncompliance was caused by an upset does not represent final administrative action for any specific event. A determination is not final until formal administrative action is taken for the specific violation(s).
 2. Conditions necessary for a demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The Permittee submitted notice of the upset as required under Permit Part III.G., Notice of Noncompliance Reporting; and
 - d. The Permittee complied with any remedial measures required under Permit Part IV.D., Duty to Mitigate.
 3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants.** The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

IV. GENERAL REQUIREMENTS

A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director and ADC as soon as the Permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 $\mu\text{g/l}$);
 - b. Two hundred micrograms per liter (200 $\mu\text{g/l}$) for acrolein and acrylonitrile; five hundred micrograms per liter (500 $\mu\text{g/l}$) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 $\mu\text{g/l}$);
 - b. One milligram per liter (1 mg/l) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).

B. Planned Changes. The Permittee shall give notice to the Director and ADC as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Permit Part V.A.1.
 3. The alteration or addition will significantly change the location, nature or volume of discharge or the quantity of pollutants, subject to the effluent limitations, discharged.
- C. Anticipated Noncompliance.** The Permittee shall also give advance notice to the Director and ADC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- D. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- E. Duty to Reapply.** If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- F. Duty to Provide Information.** The Permittee shall furnish to the Director and ADC, within a reasonable time, any information which the Director or ADC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Director or ADC, upon request, copies of records required to be kept by this permit.
- G. Other Information.** When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director or ADC, it shall promptly submit such facts or information.
- H. Signatory Requirements.** All applications, reports or information submitted to the Director and ADC shall be signed and certified.
1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

- c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director or ADC shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director and ADC, and
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph VI.H.2. must be submitted to the Director and ADC prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- I. **Availability of Reports.** Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director and ADC. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

- J. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.
- K. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- N. Inspection and Entry.** The Permittee shall allow the Director, ADC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.
- O. Transfers.** This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

V. REOPENER CLAUSE

A. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Act, as amended, if an effluent standard, limitation, or requirement so issued or approved:

1. Contains different conditions or is otherwise more stringent than any condition in the permit; or
2. Controls any pollutant or disposal method not addressed in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

B. This permit may be reopened to adjust any effluent limitations if future water quality studies, waste load allocation determinations, or changes in water quality standards show the need for different requirements.

VI. DEFINITIONS

- A. "Bypass" means the intentional diversion of waste streams around any portion of a treatment facility.
- B. "Drainage Water" means incidental surface waters from diverse sources such as rainfall, snow melt or permafrost melt.
- C. "Expanding Facility" means any facility increasing in size such as to affect the discharge but operating within the permit area covered by its general permit.
- D. A "Grab" sample is a single sample or measurement taken at a specific time.
- E. "Hydraulicking" means both the hydraulic removal of overburden and the use of hydraulic power to move raw rock to the point of processing (i.e. to the gate of the sluice or other processing equipment).

- F. "Infiltration Water" means that water which permeates through the earth into the plant site.
- G. "Instantaneous Maximum" means the maximum value measured at any time.
- H. "Mine Drainage" means any water, not associated with active sluice water, that is drained, pumped or siphoned from a mine.
- I. "Mining Season" means the time between the start of mining in a calendar year and when mining has ceased for that same calendar year."
- J. "Monitoring Month" means the period consisting of the calendar weeks which begin and end in a given calendar month.
- K. "NTU" (Nephelometric Turbidity Unit) is an expression of the optical property that causes light to be scattered and absorbed rather than transmitted in a straight line through the water.
- L. "Make-up Water" means that volume of water needed to replace process water lost due to evaporation and seepage in order to maintain the quantity necessary for the operation of the beneficiation process.
- M. "New Water" means water from any discrete source such as a river, creek, lake or well which is deliberately allowed or brought into the plant site.
- N. "Plant Site" means the area occupied by the mine, necessary haulage ways from the mine to the beneficiation process, the beneficiation area, the area occupied by the wastewater treatment storage facilities and the storage areas for waste materials and solids removed from the wastewaters during treatment.
- O. "Receiving Water" means waters such as lakes, rivers, streams, creeks, or any other surface waters which receive wastewater discharges.
- P. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- Q. "Short circuiting" means ineffective settling ponds due to inadequate or insufficient retention characteristics, excessive sediment deposition, embankment infiltration/percolation, lack of maintenance, etc.
- R. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset

does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- S. "Wastewater" means all water used in and resulting from the beneficiation process (including but not limited to the water used to move the ore to and through the beneficiation process, the water used to aid in classification, and the water used in gravity separation), mine drainage, and infiltration and drainage waters which commingle with mine drainage or waters resulting from the beneficiation process.

ATTACHMENT 1

Turbidity Sampling Protocol

1. Grab samples shall be collected.
2. Samples shall be collected in a sterile one liter polypropylene or glass container.
3. Samples must be cooled to 4 degrees Celsius (iced).
4. Samples must be analyzed within 48 hours of sample collection.

ATTACHMENT 2

Arsenic Sampling Protocol

1. Grab samples shall be collected.
2. Samples shall be collected in a sterile one liter polypropylene or glass container.
3. Samples must be cooled to 4 degrees Celsius (iced).
4. Samples must be acidified promptly with nitric acid (HNO₃), to a pH less than 2.*
5. Samples must be sent to a laboratory for analysis within 60 days.
6. Samples must be acidified for at least 16 hours prior to analysis.

* Samples that are not acidified promptly must be sent to a laboratory within 48 hours of sample collection.

ATTACHMENT 3

Settleable Solids Sampling Protocol

1. Grab samples shall be collected.
2. Samples shall be collected in a sterile one liter polypropylene or glass container.
3. Samples must be cooled to 4 degrees Celsius (iced), if analysis is not performed immediately.
4. Samples must be analyzed within 48 hours of sample collection.

Settleable Solids Analysis Protocol

1. Fill an Imhoff cone to the liter mark with a thoroughly mixed sample.
2. Settle for 45 minutes, then gently stir the sides of the cone with a rod or by gently spinning the cone.
3. Settle 15 minutes longer, then record the volume of Settleable matter in the cone as milliliters per liter. Do not estimate any floating material. The lowest measurable level on the Imhoff cone is 0.1 ml/l. Any Settleable material below the 0.1 ml/l mark shall be recorded as trace.